

Calendar No. 237

109TH CONGRESS }
1st Session }

SENATE

{ REPORT
109-145

COLUMBIA SPACE SHUTTLE MEMORIAL STUDY ACT OF 2005

OCTOBER 19, 2005.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany 242]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 242) to establish 4 memorials to the Space Shuttle *Columbia* in the State of Texas, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Columbia Space Shuttle Memorial Study Act of 2005”.

SEC. 2. DEFINITIONS.

In this Act:

(1) MEMORIAL.—The term “memorial” means a memorial to the Space Shuttle *Columbia* the suitability and feasibility of the establishment of which is a subject of the study under section 3(a).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. STUDY OF SUITABILITY AND FEASIBILITY OF ESTABLISHING MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall carry out a study to determine the suitability and feasibility of establishing, as units of the National Park System on land in the State of Texas described in subsection (b) (on which large debris from the Space Shuttle *Columbia* was recovered), memorials to the Space Shuttle *Columbia*.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the parcel of land owned by the Fredonia Corporation, located at the southwest corner of the intersection of East Hospital Street and North Fredonia Street, Nacogdoches, Texas;

(2) the parcel of land owned by Temple Island Inc., 10 acres of a 61-acre tract bounded by State Highway 83 and Bayou Bend Road, Hemphill, Texas;

(3) the parcel of land owned by the city of Lufkin, Texas, located at City Hall Park, 301 Charlton Street, Lufkin, Texas; and

(4) the parcel of land owned by San Augustine County, Texas, located at 1109 Oaklawn Street, San Augustine, Texas.

(c) ADMINISTRATION.—In carrying out the study, the Secretary shall assume that, if established after completion of the study, each memorial shall be administered by the Secretary.

(d) ADDITIONAL SITES.—The Secretary may recommend to Congress additional sites in the State of Texas relating to the Space Shuttle *Columbia* for establishment as memorials to the Space Shuttle *Columbia*.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

2. Amend the title so as to read: “To direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing memorials to the Space Shuttle *Columbia* on parcels of land in the State of Texas.”.

PURPOSE OF THE MEASURE

The purpose of S. 242, as ordered reported, is to authorize the Secretary of the Interior, to study the potential to establish four memorials to the Space Shuttle *Columbia* as units of the National Park System, to be located on the four parcels of land in Texas on which large debris from the Space Shuttle was recovered.

BACKGROUND AND NEED

The Space Shuttle *Columbia* mission lifted off on January 16, 2003, for a 17-day science mission. Upon reentering the atmosphere on February 1, 2003, the *Columbia* suffered a catastrophic failure while flying over Texas, only 15 minutes before the scheduled landing at the Kennedy Space Center in Florida. The cause of the explosion was later determined to have been caused by a breach that occurred during launch, when falling foam from the external fuel tank struck the reinforced carbon panels on the underside of the left wing. The *Columbia*’s explosion killed its seven crew members, Rick D. Husband, William C. McCool, David Brown, Laurel Blair Salton Clark, Michael P. Anderson, Ilan Ramon, and Kalpana Chawla.

As ordered reported, S. 242 would direct the Secretary of the Interior to study the possible establishment as units of the National Park System four memorials in Texas to commemorate the *Columbia* tragedy. The four sites identified in the bill are ones on which large debris from *Columbia* was removed.

LEGISLATIVE HISTORY

S. 242 was introduced by Senators Hutchison and Cornyn on February 1, 2005. During the 108th Congress similar legislation (S. 2034) was introduced by Senator Hutchinson.

The Subcommittee on National Parks held a hearing on S. 242 on April 28, 2005, (S. Hrg. 109–74). At its business meeting on September 28, 2005, the Committee on Energy and Natural Resources ordered S. 242 favorably reported with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on September 28, 2005, by a voice vote of a quorum present, recommends that the Senate pass S. 242 if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 242 the Committee adopted an amendment in the nature of a substitute. As introduced, S. 242 would have established four memorials in Texas as units of the National Park System. The substitute amendment directs the Secretary of the Interior to study the sites in Texas to determine whether they are appropriate for designation as a National Park System unit. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the “Columbia Space Shuttle Memorials Study Act of 2005.”

Section 2 defines key terms used in the bill.

Section 3(a) directs the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing as units of the National Park System memorials to be located in the State of Texas to be located on the land described in subsection (b).

Subsection (b) describes the four parcels of land in Texas that are to be the memorial sites.

Subsection (c) directs that the memorials be administered by the Secretary of the Interior, acting through the National Park Service.

Subsection (d) authorizes the Secretary to recommend to Congress additional sites in Texas for establishment as memorials to *Columbia*.

Subsection (e) authorizes the appropriation of such sums as are necessary to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 242—Columbia Space Shuttle Memorial Study Act of 2005

S. 242 would direct the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing memorials to the *Columbia* Space Shuttle on four sites in Texas. Based on information provided by the National Park Service and assuming the availability of appropriated funds, CBO estimates that carrying out the proposed study would cost about \$250,000 over the next three years. Enacting S. 242 would not affect direct spending or revenues.

S. 242 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 242. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 242, as ordered reported.

EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 242 were included in testimony received by the Committee at a hearing on the bill on April 28, 2005 as follows:

STATEMENT OF MICHAEL SOUKUP, ASSOCIATE DIRECTOR,
NATURAL RESOURCE STEWARDSHIP AND SCIENCE, NA-
TIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 242, a bill to establish 4 memorials to the space shuttle *Columbia* in the State of Texas.

The Department does not support S. 242, unless amended to authorize a study to determine the most appropriate and effective way to establish a memorial to honor the brave men and women on the crew of the *Columbia*. We believe it is critical that National Aeronautics and Space Administration (NASA), the crew's family members, and others intimately involved in the shuttle mission, disaster, and recovery be part of a process to determine what is most appropriate. A study would provide this opportunity by including consultation with other agencies and organizations, including NASA, to determine what other commemorative efforts have been undertaken to memorialize the space shuttle *Columbia* as well as taking into account the wishes and desires of the crew's families regarding how they might like their loved ones remembered. A study also would look at a variety of alternatives that could include National Park Service (NPS) management or could focus on administering the site through State or local governments or private organizations.

Because a study can provide these important benefits, a suitability and feasibility study typically is conducted prior to designation of a new unit of the National Park System. Indeed, Congress established in the National Parks Omnibus Management Act of 1998 (P.L. 105-391) a process for authorizing studies before the designation of new units. Studies of this type typically take approximately 3 years to complete after funds are made available. We currently have 30 other similar studies in progress, and we hope to complete and transmit 15 to Congress by the end of cal-

endar year 2005. We believe that available funding should be first directed toward completing previously authorized studies.

S. 242 would establish units of the National Park System without a study first determining whether the proposed units would be suitable and feasible additions to the National Park System or whether management by the NPS would be the most effective and efficient form of commemoration.

S. 242 would establish four units of the National Park System in the Texas cities of Nacogdoches, Hemphill, Lufkin and San Augustine. Large amounts of debris from the *Columbia* were found on each of the four parcels specified in the bill, a combination of public and private land, and the Lufkin civic center served as NASA's command center for retrieval efforts. The legislation specifies that the memorials would be administered by the Secretary of the Interior (Secretary) and authorizes the Secretary to recommend additional sites in Texas for establishment of memorials to *Columbia*.

Columbia, the first space shuttle to orbit the earth, was NASA's oldest shuttle. On the morning of February 1, 2003, after a 3-week mission devoted to scientific and medical experiments, the *Columbia* began its return to earth. As re-entry into the earth's atmosphere continued over the Pacific, problems were noticed by NASA, contact with the shuttle was lost, and it began to break apart. Debris from the shuttle was observed from California to Louisiana, however the remains of the seven astronauts and the most significant parts of the shuttle were found in several communities across Texas. Soon after the crash, an independent accident investigation board was established and the first volume of the board's findings was issued in August 2003, identifying the factors that led to the shuttle disaster and making recommendations for future actions.

Many memorials and remembrances have been established in honor of *Columbia*'s crew, including a memorial at Arlington Cemetery and on Devon Island in the Canadian High Arctic. Asteroids have been named for members of the crew, as has a highway in Washington and an elementary school in California. A memorial is planned at the U.S. Naval Academy for Commander William McCool on the cross-country course where he raced as a midshipman. On May 12, 2004, NASA dedicated its new "Altix" supercomputer to the memory of Kalpana "KC" Chawla, flight engineer and mission specialist on the *Columbia*.

If the Committee recommends immediate establishment of these new units of the National Park System, we suggest that the bill be clarified in several areas. The legislation is unclear whether the intent of the bill is to authorize the Secretary to manage a process that would produce a commemorative work—such as a plaque, statue, or other art that would be located on the properties identified in the legislation, or if the bill is authorizing the purchase of these properties to be developed as units of the National

Park System that would then require onsite management, development, and funding. The costs for establishing and managing these four areas as units of the National Park System would be difficult to determine at this time, but they could be expensive given the dispersed sites. These costs could best be estimated through the completion of a study.

Also, the bill does not clearly state a purpose for the memorials. In her floor speech introducing the legislation, Senator Hutchison spoke about memorializing the spirit and adventure of the space program and the men and women who accept the dangers and challenges of accomplishing NASA's mission. She also recognized the impact and efforts of four Texas communities and citizens that provided support and assisted with the collection and identification of debris and the remains of the crew. A clear and concise purpose would help guide the efforts to meet the legislation's intent.

NASA and other communities and organizations have already established a variety of memorials that recognize the tragedy as well as the enduring spirit of the crew and others associated with the final voyage of the *Columbia*. An NPS suitability and feasibility study would determine how, or if, this proposal would complement or add to those already established memorials.

Mr. Chairman, that concludes my remarks and I would be happy to respond to any questions that you or other members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 242, as ordered reported.

